

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 15-153(4)(DSD/TNL)

United States of America,

Plaintiff,

v.

ORDER

Joseph Francis Werb,

Defendant.

This matter is before the court upon pro se defendant Joseph Francis Werb's motion for adjudication of good time credits via the First Step Act of 2018. See Pub. L. No. 115-391, 132 Stat. 5194 (2018).

The background to this case is set forth in the court's previous orders and will not be repeated here. On January 5, 2017, the court sentenced Werb to a forty eight month imprisonment term. Werb is currently a federal inmate at RRM-Minneapolis, and his expected release date is August 29, 2019. In the instant motion, Werb requests a ruling that he is entitled to a fifty-four day good-time credit for each year served and that the court order the Bureau of Prisons to recalculate his good-time credits forthwith in light of the First Step Act's amendments to good-time credit calculations. Werb also requests that the court acknowledge that the First Step Act provides federal inmates with a statutory right to amended good-time credits.

Section 102(b)(1) of the First Step Act amended 18 U.S.C. § 3624(b) to permit federal inmates to now retroactively earn up to

fifty-four days of good-time credit per year of prison served, instead of the previous forty-seven days. The § 102(b) good-time amendments take effect after the Attorney General implements a "risk and needs assessment system" under Section 101(a) of the First Step Act. Section 101(a) gives the Attorney General 210 days to implement the risk and needs assessment system. The § 102(b) good-time amendments, therefore, will not take effect until approximately July 19, 2019 - 210 days after Congress passed the First Step Act on December 21, 2018. As a result, the First Step Act does not compel the Bureau of Prisons to recalculate Werb's good-time credits at this time.

Although Werb is correct, the First Step Act amended the amount of good-time credits a federal inmate may accrue, the Bureau Prisons of Prisons, rather than the court, will initially decide how much additional good-time federal the inmates earned. Until the First Step Act's good-time credit provision is effective, Werb's request is premature.

Based on the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that motion for adjudication of good time credits via the First Step Act of 2018 [ECF No. 668] is denied without prejudice.

Dated: May 13, 2019

s/David S. Doty
David S. Doty, Judge
United States District Court